



MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.520

CHAPTER Human Resources	SUBCHAPTER Employee Processing	EFFECTIVE DATE March 15, 2010	NUMBER OF PAGES 4	PAGE NUMBER 1 of 4
SUBJECT Alcohol and Other Drug-Free Workplace		AUTHORITY Section 630.050. RSMo.	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE 7-1-13	

Purpose: *Prescribes policy for maintaining a drug free workplace in order to protect the health, safety and well-being of clients and employees. Employee substance abuse may impair an employee's ability to perform the functions of his/her job; may reduce the employee's ability to perform his/her job safely; or may jeopardize the safety of the work place, clients and/or co-workers.*

Substance abuse is a threat to the health, safety and welfare of employees and undermines the public's trust in the character and professionalism of our employees and is, therefore, prohibited. Impairment from illegal drugs, alcohol and/or non-prescribed controlled drugs within the workplace can cause drowsiness; loss of concentration, memory, and judgment; distortion of reality, poor coordination; and, slow reaction time. Those employees who use and or possess alcoholic beverages, non-prescribed controlled drugs and/or illegal drugs within the workplace put themselves and everyone around them in danger.

The use, possession, or dispensing of illegal drugs or any controlled substance without a valid or current medical prescription on or off duty by employees of the department is prohibited. Alcohol use, alcohol possession, or impairment from alcohol while on department premises is prohibited, regardless of whether or not the employee is on duty. It is the policy of this department to discipline, up to and including dismissal, employees who violate this drug and alcohol free workplace policy and procedures. In addition to the above, violations include, but are not limited to, positive tests, refusal to test, adulterated tests, and substituted tests.

The department recognizes that employees may be prescribed medications that may cause impairment, such as drowsiness, lack of concentration, slow reaction time, etc., even when taken as prescribed. In such situations, employees should not report to work impaired and should absent themselves from work using sick or other leave with appropriate notification to their supervisors.

The department encourages employees to seek assistance with substance abuse on a voluntary basis. As set forth below, the department may mandate referrals to the Employee Assistance Program (EAP) or other substance abuse provider as a condition of continued employment.

Application: *Applies to the entire department.*



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(1) The rights and privacy of employees will be safeguarded to the extent possible while being balanced with the compelling government interest in maintaining a safe and secure environment for clients, co-workers and the public.

(2) All records, forms, reports, and/or results generated in compliance with this regulation will be confidential and will not be placed in an employee's personnel file.

(A) The testing laboratory and Medical Review Officer will maintain confidentiality of medical information as required by the Health Information Portability and Accountability Act (HIPAA).

(B) The Medical Review Officer will not disclose any protected health information to the facility or any department staff.

(C) Employees are not required to disclose any protected health information to any Department of Mental Health supervisor, official or other employee.

(3) After being offered an appointment but prior to beginning work, all prospective employees must submit to a pre-employment drug test.

(A) All applicants will be informed of the department's pre-employment drug testing policy.

(B) The facility testing coordinator will work with the specimen collectors to set dates, times, and locations for testing.

(C) Drug test results must be received by the facility human resources office prior to allowing the potential employee to begin work.

(D) The job offer will be withdrawn for individuals testing positive for non-prescribed controlled drugs, illegal drugs, having adulterated or substituted samples, and/or refusing to provide a sample.

(4) Employees admitting off-duty use of non-prescribed controlled drugs, illegal drugs, abuse of prescribed controlled drugs and/or alcohol abuse will be referred to the Employee Assistance Program (EAP) or other substance abuse provider unless that admission follows a directive to submit to testing. Such employees may be subject to random testing as a condition of continued employment. If the admission of substance abuse follows a directive to submit to testing, the department will follow the procedures set forth below in sections (7) and (8).

(5) Employees may be required to submit to alcohol and/or drug testing when there is reasonable suspicion that an employee is using, possessing, or distributing non-prescribed controlled drugs or illegal drugs while on duty or while on department premises, whether on or off duty, or when there is reasonable suspicion that an employee is impaired by alcohol or drug use while on duty or while on department premises, whether on or off duty.

(A) Any person having reasonable suspicion that an employee is under the influence of a substance, or that an employee is in possession of non-prescribed controlled drugs, illegal



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drugs or alcohol while on duty or while on department premises, whether on or off duty, should immediately inform his/her supervisor or other appropriate manager.

(B) When the supervisor or manager receives a report of an employee allegedly being under the influence of or in possession of a controlled drug, illegal drug or alcohol, the supervisor or manager will immediately conduct an initial review of the matter, including a meeting with the identified employee.

(C) If, after the review, the supervisor or manager believes reasonable suspicion exists, the supervisor or manager will immediately relieve the employee of duty and inform the employee that he/she is required to submit to a substance abuse test.

(D) The supervisor or manager will make the necessary arrangements to notify the designated testing laboratory and will transport the employee to the testing site for sample collection if the testing is conducted offsite.

(E) Any employee who is required to submit to substance abuse testing for reasonable suspicion will be on administrative leave pending the test results.

(F) Time taken for testing is considered time worked.

(6) As part of a post-accident or workers' compensation review process, employees may be required to submit to drug testing when a workers' compensation injury or accident involving the employee occurs while the employee is on duty or while on department premises, whether on or off duty. As appropriate, the supervisor or manager will make the necessary arrangements to notify the designated testing laboratory and to transport the employee to the testing site for sample collection. Time taken for testing is considered time worked, unless the employee has already been excused from work for the purpose of seeing the workers' compensation medical provider and the drug test is a part of that appointment.

(7) An employee will be placed on administrative leave pending further review and discipline if:

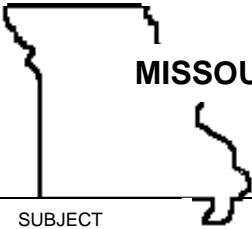
(A) The test result is positive for non-prescribed controlled drugs, illegal drugs and/or alcohol;

(B) The employee refuses to take the required test; or,

(C) The sample has been found to be adulterated or substituted.

(8) Disciplinary action will be taken against an employee who tests positive for non-prescribed controlled drugs, illegal drugs and/or alcohol. Discipline may include mandatory referral to the EAP or other substance abuse provider and/or an action authorized by DOR 6.050, up to and including dismissal. Employees referred to the EAP under this section may be subject to random testing as a condition of continued employment. Employees who refuse to take the required test or whose sample is found to be adulterated or substituted shall be dismissed.

(9) A test result that is positive for non-prescribed controlled drugs, illegal drugs and/or alcohol shall be considered misconduct.



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(10) Employees subject to drug and alcohol testing will remain readily available for testing. Failure to do so will be considered as having refused the test and disciplinary action will be imposed.

(11) Drug tests will consist of at least a nine panel screen that tests for, but is not limited to, amphetamines, methamphetamines, cannabinoids, cocaine, opiates, phencyclidine (PCP), methadone, barbiturates, and benzodiazepines.

History: Original DOR Effective February 1, 1990. Amendment effective July 1, 1996. Amendment effective July 1, 2002. On July 1, 2003 the sunset date was extended to July 1, 2004. Amendment effective October 1, 2003. Emergency amendment effective May 1, 2004, expires October 31, 2005. Amendment effective November 1, 2005. Amendment effective February 15, 2007. Amendment effective March 15, 2010.